

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of MARK ALLEN BARNETT, JR.,  
Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMANDA BARNETT-KEIFER,

Respondent-Appellant,

and

MARK ALLEN BARNETT,

Respondent.

---

UNPUBLISHED

March 21, 2006

No. 265024

St. Joseph Circuit Court

Family Division

LC No. 05-000438-NA

Before: Murphy, P.J., and White and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), and (l).<sup>1</sup> We reverse and remand for further proceedings.

Respondent-appellant argues that she was not given notice of the adjudication/termination hearing and that, as a result, the trial court did not have personal jurisdiction over her. We agree. Whether a trial court has personal jurisdiction over a party is a question of law, which is reviewed de novo on appeal. *In re SZ*, 262 Mich App 560, 565; 686 NW2d 520 (2004); *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999).

Pursuant to MCL 712A.12, MCR 3.920(B), and MCR 3.921(B), a parent of a child who is the subject of a child protective proceeding is entitled to personal service of a summons and notice of the proceedings. Failure to provide notice of a termination proceeding by personal

---

<sup>1</sup> Petitioner-appellee has not filed a brief on appeal.

service as required by statute is a jurisdictional defect that renders all proceedings in the trial court void. *SZ, supra* at 565; *Atkins, supra* at 250-251.

An order for publication was entered on June 27, 2005, but the trial court was not provided with an affidavit of publication. This is a violation of the requirements contained in MCR 3.920(H)(3) and MCR 2.106(G). Thus, there is no proof that publication of the notice of hearing was made and, therefore, the trial court did not have personal jurisdiction over the mother at the time of the adjudication/termination hearing. Because the jurisdictional issue is dispositive of the case, we will not decide respondent's remaining issues.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ William B. Murphy  
/s/ Helene N. White  
/s/ Patrick M. Meter